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DATE FILED: 3/24/08 (P)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WHARTON CAPITAL PARTNERS, LTD., and : 08 Civ. 56 (SHS)
WHARTON CAPITAL MARKETS, LLC, :
 :
Plaintiffs, :
 :
-against- : ORDER
 :
XSUNX, INC., :
 :
Defendant. :

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SIDNEY H. STEIN, U.S. District Judge.

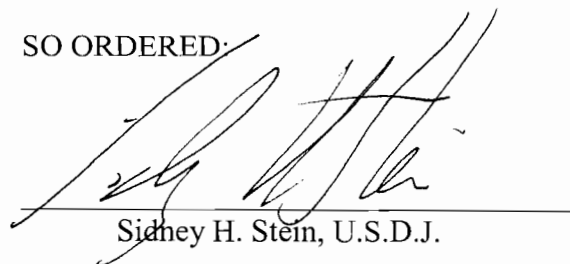
A pretrial conference having been held today, with counsel for all parties present,

IT IS HEREBY ORDERED that:

1. The last day for defendant to move for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) is April 14, 2008;
2. Plaintiffs' response is due on or before May 5, 2008;
3. The reply is due on or before May 15, 2008; and
4. If no motion is made, the parties shall notify the Court, in writing, to schedule a pretrial conference.

Dated: New York, New York
March 21, 2008

SO ORDERED:


Sidney H. Stein, U.S.D.J.